IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 8092 of 2003

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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VIRENDRASINH SHIVMOHANSINH RAJPUT & 1 - Applicant(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR MA BUKHARI for Applicant(s) : 1 - 2.
PUBLIC PROSECUTOR for Respondent(s) : 1,
MR CHETAN B RAVAL for Respondent(s) : 2,
DS AFF.NOT FILED (R) for Respondent(s) : 3,
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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 01/12/2005

ORAL JUDGMENT

1.By filing this petition, the petitioners, who are husband and wife have prayed to quash and set aside the

complaint registered as Crime Register No.I-25 of 2003 at Aatarsuba Police Station dated 13-8-2003 (Annexure A). The said complaint has been filed by the father of the petitioner No.2 under Section 363 and 366 of the Indian Penal Code on the ground that the petitioner No.1 kidnapped his daughter Jalpaben with the ornaments worth Rs.34,000/-. Subsequently, Section 380 of the Indian Penal Code is added in the complaint as there is an averment in the complaint about the theft of ornaments and cash amount. It is submitted by Mr. Bukhari that petitioner Nos.1 and 2 have married and marriage certificate is also annexed. Mr. Bukhari also further submitted that petitioner No.2 is now pregnant and within short time she is likely to deliver a child. As per the marriage certificate at page 21, it seems that petitioner Nos.1 and 2 have married and prima facie it also appears that both of them are staying happily.

2. Learned APP Mr. Bhate submitted that the police has already completed the investigation and report is ready. He submitted that appropriate report will be submitted before the concerned Magistrate forthwith. However, as the police has completed the investigation and now going to submit a report before the Magistrate, this court would not like to interfere in the matter at

this stage and the appropriate course would be to direct the police to complete the investigation and to submit appropriate report before the concerned Magistrate. Thereafter the concerned Magistrate may pass appropriate order in accordance with law after considering the facts of the case.

3. Subject to above observations and directions, the petition is disposed of. Rule discharged. Interim Relief granted earlier stands vacated. It will be open for the petitioners to file fresh petition in case if it is so required.

(P.B.MAJMUDAR,J)

shekhar/-